

Hofer

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REMARKS

Entry of the above-noted amendments, reconsideration of the Application, and allowance of all claims pending are respectfully requested. By this amendment, claims 1-2, 4, 9-11, 16, 19, and 22 are amended, claims 20-21 are canceled, and claims 23-24 are added. These amendments to the claims constitute a bona fide attempt by Applicant to advance prosecution of the Application and obtain allowance of the pending claims, and are in no way meant to acquiesce to the substance of the rejections. Support for the amendments can be found throughout the specification (e.g., in the published version of the Application, namely, *Hofer* US Pub. 2005/0018066, ¶ 15-17), drawings, and claims and thus, no new matter has been added. Claims 1-19 and 22-24 are pending.

Interviews on July 5 and 6, 2007:

The amendments herein follow telephone conferences between the Examiner and Applicant's Attorney on July 5 and 6, 2007 in which the claims, the specification, and the art of the record were discussed. Positive discussion and consideration occurred during the telephone conferences in connection with the claims presented herewith. Agreement was reached that independent claims 1, 10, 16, 19, and 22 presented herewith are allowable over the art of record, including Nishimura et al. USP 5,631,697 and Qian et al. USP 6,226,388. Additional discussion of the agreement reached is presented herein. The time and courtesy afforded Applicant's Attorney and agreement reached are gratefully acknowledged by Applicant.

Claim Objections

Claims 4 and 16 are objected to. With respect to claim 4, the suggestion graciously suggested by the Examiner in the 6/13/07 Office Action has been followed to change "the" to "a" before "position" in claim 4 presented herewith. With respect to claim 16, the suggestion graciously suggested by the Examiner in the 6/13/07 Office Action has been followed to change "the" to "a" before "marker" in claim 16 presented herewith.

Withdrawal of the claim objections is therefore respectfully requested.

Claim Rejections - 35 U.S.C. §§ 102 and 103:

Claims 1-5, 7-12, 14-19, and 21-22 are rejected under 35 U.S.C. §102(b) as being anticipated by Nishimura et al. USP 5,631,697. Claims 6, 13, and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nishimura et al. USP 5,631,697 in view of Qian et al. USP

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6,226,388. Without acquiescing in the rejections, Applicant respectfully submits the rejections are moot in view of the claim amendments presented herewith.

It is well-settled that there is no anticipation unless (1) all the same elements are (2) found in exactly the same situation and (3) are united in the same way to (4) perform the identical function. Since the Examiner's citations to each of the applied references are missing at least one element of each of Applicant's independent claims, Applicant respectfully submits that the claimed invention is not anticipated by the Examiner's citations to the applied references.

While Applicant does not acquiesce in the modification or combination of the Examiner's citations to the applied references, Applicant respectfully submits that the Examiner's citations to the applied references even so modified or combined, do not teach or suggest one or more elements of the claimed invention. The missing elements are neither well-known in the art nor mere predictable uses or variations of the cited prior art.

Applicant respectfully submits that the Examiner's citations to the applied references do not teach or suggest one or more elements of the claimed invention. A careful reading of the Examiner's citations to the applied references fails to set forth a sustainable basis that the references teach or suggest, for example, performing a correlation computation directly between the coordinates of the object in the first view of the scene and coordinates of the object in the third view of the scene to make a determination of a change in direction and/or distance of the object in the third view of the scene relative to the first view of the scene, as recited in Applicant's independent claim 1. This point was discussed and agreed to during the Interview.

For at least the reasons presented above with reference to claim 1, claims 1, 10, 16, 19, and 22 are believed neither anticipated nor obvious over the art of record. This point was discussed and agreed to during the Interview. The corresponding dependent claims are believed allowable for at least the same reasons as independent claims 1, 10, 16, 19, and 22, as well as for their own additional characterizations.

Withdrawal of the §§ 102 and 103 rejections is therefore respectfully requested.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-19 and 22-24.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 C.F.R. 1.25. Additionally charge any fees to Deposit Account 08-2025 under 37 C.F.R. §§ 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

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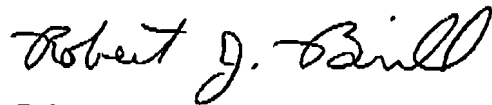
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Please consider this a general authorization to charge any fee that is due in this case, if not otherwise timely paid, to Deposit Account No. 08-2025.

Applicant hereby authorizes charging of Deposit Account No. 08-2025 for any additional fees associated with entering the aforementioned claims.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,



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Dated: July 10, 2007
Attorney Docket No.: 200208326-1
(10375P00230US)

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